

12 February 1975

MEMORANDUM FOR: Lt. General Samuel V. Wilson, USA  
Deputy to the DCI for the  
Intelligence Community

SUBJECT : Devilish Advocacy

1. I have carefully gone over your 5 February memorandum to the DCI on "Challenge Procedures for the Intelligence Community," with its annexes, and have discussed this topic with my colleagues. Our thoughts and comments are outlined below.

2. No one feels more acutely than my NIO colleagues and I the absolute necessity for ensuring that intelligence appreciations and Estimates (small e or capital E) sent to the President and NSC-level consumers reflect the best evidence and judgments available to the entire U.S. Intelligence Community. To us, this entails ensuring that divergent views on matters of substantive importance are accurately reflected in a manner that enables the reader (consumer) to assess their force and the evidence and reasoning on which they are based -- i.e., in a length and a scope which permits an advocacy presentation, right in the body of the paper and not in an agate-type footnote. Also, we are well aware of the inherent danger and high risk of error involved in two types of Estimates: those in which knowledgeable opinion throughout the Community is virtually unanimous and those in which a mistaken Estimate (e.g., the Soviets will/will not put offensive missiles into Cuba) could have an adverse impact on U.S. interests by contributing to the wrong policy decisions on matters of major importance. Even given all the above, however, we still feel it would be an error to institutionalize the devil's advocacy procedure.

3. With specific reference to your 5 February memorandum, the first of your specific recommendations reflects what I believe to be and am actively working to ensure is the current situation. Consequently, I do not consider

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it accurate to describe this as a proposal for needed change.

4. Your remaining proposals (the balance of your memorandum's paragraph 3, appearing on its second page) involve the schematics of an institutional process which I consider not only unnecessary but ill-advised.

5. The type of procedure we are discussing is not really applicable to all Estimates; only to some and the principle of differentiation has nothing to do with the subject matter, length or deadline pressure of the Estimate in question. On papers over which there are genuine, spontaneous differences of opinion among those participating in such a paper's production, no external devil's advocate is needed. Conflicting views will be argued, vigorously, out of genuine conviction -- not because one has been retained to take a brief. What is required here is simply that the NIO responsible for such a paper ensure that the chairman allow full scope to the interplay of debate. The whole NIO structure was deliberately set up to facilitate this and encourage it. What you are asking here, therefore, is that the NIOs do the job the DCI has asked them to do.

6. The papers on which some form of advocacy procedure might be desirable are those which may be on controversial subjects but happen to be ones where the views of knowledgeable experts within the Community have a high degree of overlap, i.e., where there is a majority opinion so preponderant as to be virtually unanimous. Here we do have to be careful about the dangers of reinforcing consensus and the psychological difficulty of the lone dissenter bucking the majority tide, particularly when everyone is under pressure, an impossible deadline is fast approaching, nerves are frayed, and people are not particularly receptive to what they instinctively regard as idle argument. Even here, however, a prearranged advocacy institution does not seem to me to be the best answer to this sort of real and concrete problem.

7. One difficulty with the advocacy concept is that, plausible as it sounds in abstract statement, it rests on some assumptions which are at variance with the way

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Estimates (again, small e or capital E) are in fact produced. Despite the skeptical contrary views of some of our consumers or even some of our colleagues outside the estimative process, the drafters of an Estimate do not start with conclusions and then begin casting about for evidence to support them. Thus, it cannot be known until fairly late in the game what a key paper's judgments will actually be or the extent to which there will be spontaneous disagreement over these judgments within the Intelligence Community. An officer or an office tasked with opposing anything a paper came up with and being negative at all stages of its development would have a rather sterile job which would contribute relatively little to the quality of the end result. In most concrete cases -- not all admittedly, but most -- you will not know until near the end of the production process whether you have a reinforcing consensus problem, i.e., a situation in which a devil's advocate might be useful.

8. Institutionalizing the process also raises another potential difficulty, mentioned in your memo's annexes. If all or virtually all of the Community's knowledgeable experts in a given field are in unanimous agreement on a key judgment, that fact alone ought to tell the policy-level consumer something. Majorities are sometimes wrong, but it is rash to make the assumption that they are invariably wrong and such an assumption indicates a rather disquieting lack of confidence in the professionalism (including objectivity) or knowledge of the Community's analysts. It would be mischievous or misleading to include a devil's advocate annex to an agreed paper in a way that would permit a consumer to infer that the annex had behind it the same weight of knowledge and analysis as the paper itself.

9. I do agree, as do my colleagues, that we have to be particularly careful in papers where there is an almost unanimous consensus or ones whose judgments have a direct bearing on vital U.S. interests along the lines indicated above -- i.e., ones in which judgmental errors could be disastrous. In such cases the NIO should do the following things:

a. Deliberately pause to focus on arguments or conclusions that run counter to the paper's main judgments. This could indeed in some instances

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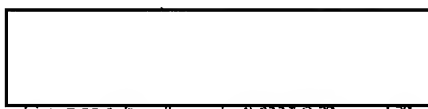
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involve picking one of those who had participated in the paper's preparation or some knowledgeable analyst who had not actually been part of the process and asking him to give a forceful summary of the opposition case. Utilizing this technique on the occasions where it is concretely advisable, however, is not the same thing at all as institutionalizing it or making use of it as an elaborate mechanism which could easily degenerate into something pro forma.

b. On those Estimates where judgmental errors would be serious, adding an annex stating that the drafters and producers of the Estimate are aware of the consequences and dangers of error and have not lightly arrived at their judgments. Such an annex could well enumerate the main contrary arguments and explain (succinctly) why those participating in the paper's preparation had been led to reject them after giving them careful consideration.

c. In certain areas where there are consensus views not related to a particular paper but which are likely to shape all papers written on that subject, commission a special internal study to fish-eye those judgments. A case in point here is the virtually unanimous opinion, reflected in the latest NIAM, that in any renewed Arab-Israeli conflict (barring Soviet intervention) the Israelis would soon emerge victorious on the field of battle. A hard look at this judgment is, in fact, already underway at my request.

10. In sum, the problem which led to General Graham's original suggestion and has stimulated the DCI's concerns is a real one. My colleagues and I are as aware of and bothered by it as anyone else in the Community. It needs address and we are endeavoring to address it. An elaborate, formal devil's advocate mechanism, however, does not seem to us to be the optimum way to tackle it.



George A. Carver, Jr.

Deputy for National Intelligence Officers

GACarver, Jr./kes

Original - Addressee

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DCI/IC 75-003

5 February 1975

**MEMORANDUM FOR: Director of Central Intelligence**

**SUBJECT: Challenge Procedures for the  
Intelligence Community**

1. Some time ago you expressed interest in establishing within the community a regular system for the presentation of the views of devils' advocates, i.e., some sort of system which would ensure that majority views and the conventional wisdom concerning major intelligence judgments would be subject to effective challenge procedures. Though few would quarrel with the objectives of this proposal, several have, in fact, questioned the practicality of institutionalizing challenge procedures and have expressed the fear that the system's (non-monetary) costs might outweigh its benefits.

2. My own feeling about the subject are mixed: I very much favor the concept of regular challenge procedures, particularly as a part of the normal production process, but recognize that there will be pitfalls attending their establishment as a separate institution. Accordingly, I recommend a course which in general--though not in all its specifics--follows the route laid out by [redacted] in the paper at Tab A), but which also seeks to avoid some of the dangers identified by [redacted] (in Tab B).

3. Specifically, what I propose can be summarized as follows:

-- The NIO responsible for a given paper will in all instances ensure that minority points of view and dissents are adequately represented and discussed. He will, in addition, report to USIB (in the case of NIEs and NIAMs) or to the DCI (in the case of other major papers) concerning principal issues in dispute, if any, and the extent to which he and his committee pondered contrary opinions and judgments.

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-- When appropriate, the D/DCI/NIO will appoint a devil's advocate (DA) to represent dissenting views. An official DA will normally be appointed when an interagency paper (1) is considered to be of unusual significance to US interests and policies; (2) contains judgments which are clearly controversial; or (3) makes estimates which, if wrong, would likely have very important (and adverse) effects on US attitudes and policies.

-- The DA, a senior and experienced officer in the community, will be responsible for formulating and representing dissenting views throughout the life of the paper under consideration, i.e., from his initial appointment (which could occur at any time in the production process) through USIB discussion.

-- The DA will be responsible for soliciting the views of other dissenters within the Community. He will also provide the DCI or USIB with an account of his service before the given paper is approved for publication.

-- The NIO and the DA will, in those instances when mistaken estimates might result in very serious damage to US interests, provide the DCI or USIB with a written statement concerning the possible implications of misestimating.

-- On those occasions when a paper is time-sensitive it will be incumbent upon the DA to accomplish his tasks with considerable dispatch.

-- The NIO and DA will follow the procedures outlined in detail in Tab A from p. 5 through p. 10 (under the heading, "And Some Specific Proposals").

4. If you approve, we are prepared to circulate this proposal to USIB for its consideration at some future meeting.

Samuel V. Wilson  
Lieutenant General, USA  
Deputy to the DCI for the  
Intelligence Community

Attachments: As stated  
cc: D/DCI/NIO w/att

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MEMORANDUM

SUBJECT: Challenge Procedures - A Proposal

Some General Considerations

The DCI first proposed the establishment of challenge procedures in October 1973, when, in the aftermath of the failure of intelligence to warn of the impending Arab attack on Israel, he and others suggested that a means be found to introduce some form of devil's advocacy into the Community's analytical proceedings.\*

Briefly, what seems to be needed is a challenge procedure which would, inter alia, assist production analysts to overcome three occupational hazards to which, according to our post-mortem reports, they are occasionally subject:

--Preconceptions: the tendency to discount information that runs counter to long-held convictions;

\*Specifically, the DCI stated: "The IC Staff...will develop regular systems to be implemented by the NIOs to ensure that serious divergent points of view and conflicting elements of information not be submerged by managerial fiat or the mechanism of reinforcing consensus.... Such systems will also be charged with ensuring the establishment of means to provide the views of devils' advocates, adversary procedures, and the use of gaming techniques as appropriate." ("The Performance of the Intelligence Community Before the Arab-Israeli War of October 1973: A Preliminary Post-Mortem Report," submitted by the DCI, December 1973, p. 22.)

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--Reinforcing consensus: the tendency for divergent views of individual analysts to be submerged in a sea of conventional collective wisdom;

--The current intelligence syndrome: a myopic view of the forest because of forced focus on current intelligence trees.

The notion that some way should be found to challenge conventional substantive judgments has by now itself become quite conventional.\* But perceiving the wisdom of establishing challenge procedures does not lead easily into an appreciation of precisely what form such procedures should take. It is the who, when, how, and why of challenge procedures which confront those who seek improvements in analytical performance:

- just who in the community (and with what credentials) is entitled to challenge whom?
- just when (and vis-a-vis what) should the challengers perform their art, i. e., challenge?

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\* Conventional enough, at any rate, to elicit challenges from those who see only problems in a devil's advocate procedure.

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• precisely how should the challenger perform, i.e., through what system or medium should he present his contrary views?

• and, finally, why should the challenger risk his (and perhaps his sponsoring agency's) reputation for sagacity for the sake of representing, by definition, a singular and probably unpopular point of view?

#### Some Guiding Principles

Clearly, some general rules of the game should be developed. A challenger should possess substantial substantive competence in the area under exploration, but he should not be so close to the subject that he lacks perspective and suffers from the analytical disabilities listed above. He should be familiar with Community processes and, to a degree, Community "politics." And he should be articulate and persuasive. (He need not believe his own advocacy, but he should be devilish enough to convince others that he does.) Finally, and obviously, he should have the time to do the job properly.

When should this paragon exercise his persuasive talents in this strange manner? Certainly not as a matter of routine concerning ordinary subjects. He should confine himself to matters of high

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moment (those of long-term significance as well as of immediate concern) and papers of particular consequence (NIEs, Alert Memoranda, etc.). And he should deal, full-time, only with specific circumstances, problems, and/or papers for a stated period (weeks or months). A more or less permanent assignment as a devil's advocate would soon sap the vitality and demolish the credibility of even the most enthusiastic and skillful practitioner. And the devil probably would, over time, withdraw from the process.

There already is, in being, Community machinery, the NIO system, which could accommodate--effectively, if not easily--the establishment of challenge procedures. No other component of the Community performs so many significant substantive functions for the DCI and USIB; no other component is so close to the consumers; and no other component is so involved in the production of important Community assessments. And from the point of view of the advocate himself, no other component could so readily provide him with the papers, contacts, forums, and general support necessary for the practice of devils' advocacy.

Indeed, in our canvass of alternatives, we could find no other office or mechanism which could properly support a regular devil's

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advocate process, and we do not--for a variety of reasons--favor the establishment of a new institution to perform this task.

And what of the risk of serving as a champion of unpopular causes? Perhaps the devil's advocate--assured that he would serve only a short tour, and guaranteed a respectful (if not sympathetic) audience--might find the exercise of his imagination and the influence he brought to bear on the weighty judgments of the Community reward enough. And, at the conclusion of his sentence, he might find some solace in the drink which the NIO will buy for him at Sans Souci.

And Some Specific Proposals

Assuming, then, that challenge procedures are to be instituted within an NIO-sponsored system, we would propose the following specific measures:

A. The DCI or the D/DCI/NIO, in consultation with USIB, if appropriate, should determine if a given subject and paper seem sufficiently important to warrant the institution of official challenge procedures. (A standard country paper on, say, Argentina would probably not so warrant; an SNIE on, say, Soviet reactions to specific US courses of action, almost certainly would.)

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USIB principals (and perhaps other senior figures in the Community) should be encouraged to nominate candidates for devil's advocate positions. In consultation with the D/DCI/NIO, the D/DCI/IC, and others, as appropriate, the NIO responsible for a given paper should then appoint an intelligence officer as a substantive challenger, responsible as a devil's advocate for the effective presentation of contrary substantive views.

1. The possible appointment of a challenger should be discussed early on (perhaps during Terms of Reference meetings) with the various agency representatives and with USIB.
2. The designated devil's advocate should be an intelligence officer who has appropriate substantive credentials, experience, and seniority. He could be drawn from any element of the Community and might, in some circumstances, be another NIO, perhaps one with related substantive responsibilities.
3. The devil's advocate should play his role for the life of the paper concerned--in the case of an NIE, from the TR stage through USIB consideration; in the case of an Alert Memorandum, from its inception through the DCI's approval. He should, in effect, serve a temporary tour in the devil's advocate capacity.

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4. There are of course practical obstacles to such a procedure. Few if any components will feel free to spare a senior officer for devil's advocate duty. The DCI may thus wish to ask USIB principals to consider this procedure to be a necessary part of USIB's set of substantive and estimative responsibilities--and, in effect, as significant as providing, for example, representatives to attend meetings on NIEs.

5. In some instances (e.g., NIE 11-3/8), the NIO might wish to consider the appointment of more than one devil's advocate, depending on the size, complexity, and diversity of the paper under preparation.

B. The challenger would be charged with: developing and presenting plausible arguments against the conventional wisdom and against any or all of the papers' major judgments; expressing disbelief or skepticism about certain specific pieces of evidence and/or discrete conclusions based on them; challenging the logic and coherence of given lines of argument; and identifying any gaps in information and "holes" in argumentation which he perceived as affecting major judgments.

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1. The devil's advocate would be responsible for eliciting the views of other responsible officers in the Community who held views contrary to those offered in the paper under review (contrary to those offered in expressions of dissent as well as in the main text).

2. The devil's advocate should present his advocacy orally, during meetings on the paper, and, when appropriate, in writing. The NIO in charge would be duty-bound to respond to the challenger's case, though would be empowered to accept or reject his advice after due consideration. The degree to which the devil's advocate was able to influence substantive judgments in the paper would thus ultimately be determined by the NIO.

3. All papers subjected to this form of challenge procedure would bear a notation to that effect somewhere (in an introduction, opening statement, footnote, whatever) in the paper. In some instances, the burden of the challenger's argument (especially if otherwise ignored) could also be succinctly stated. For example:

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The principal conclusions of this estimate were subjected to a critical review by the Community's "devil's advocate." The contention of the advocate that, in the circumstances described in the paper, the Arab governments would almost certainly sue for peace (because they would be principally concerned about their own survival) was carefully considered. This argument was, however, rejected, in the main because of reasons discussed in paragraphs 14-16 of the text.

4. Occasionally, however, the NIO might wish to reproduce the devil's advocate's case in extenso.\* If so, that case should be interwoven with the main text. This would minimize repetition and confusion and place arguments in a proper context. (Most NIEs, etc., already march in this manner, and should continue to do so, though the pros and cons of course should not be presented in a way likely to obscure the conclusions.)

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\*Indeed, it has been suggested that many papers take the form of straight advocacy but provide a separate annex setting forth the paper's pros and the devil's advocate's con arguments; or that the main text itself should interweave these pros and cons. Adoption of the first suggestion--in effect the publication of a devil's annex--would, with perhaps very rare exceptions, probably only irritate and confuse the consumer.

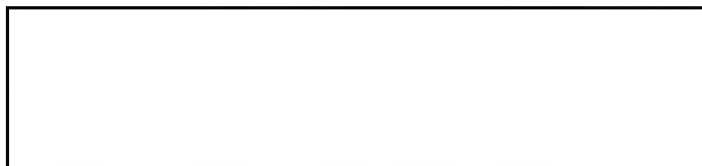
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5. Whatever the impact of his role on a given paper, the devil's advocate should make his case available to other elements of the Community (e. g., current intelligence components) so that they, too, could be informed by his advocacy.



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Chief, Product Review Division

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SUBJECT: A PROPOSAL FOR A "CHALLENGE MECHANISM" FOR  
THE INTELLIGENCE COMMUNITY

*Introductory Note: This paper looks at the feasibility of institutionalizing a "challenge mechanism," or "Devil's Advocate," as it has been termed, in the Intelligence Community. The paper does not proceed with a full discussion of the pros and cons of formally institutionalizing challenge. Rather, it seeks to explore the working milieu in which an institutionalized challenge mechanism would have to function. This should enable interested parties to come to some conclusions about the feasibility of the concept. Our method has been to solicit the views of individuals who formerly held, or hold now, key managerial positions in substantive intelligence-producing organizations, and NIOs, and to let their views speak for themselves. We have concentrated on these individuals since we sought to emphasize feasibility of challenge in practice, and these folk are critical to the success or failure of the process. Finally, although sentiment of those reached runs rather heavily against institutionalizing challenge, a large number of possible ways to do just that are set out for possible consideration.*

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#### I. WHY A CHALLENGE MECHANISM?

The concept was first advanced by the D/DCI/IC in a memorandum for the DCI which may be found at TAB A. Briefly, in that memorandum, the notion was advanced that a "Devil's Advocate" would be useful in forcing a close look at major judgments, and the possibility of institutionalizing that role should be examined.

An unstated but clear implication of that proposal was that in the preparation of major substantive papers, such as NIEs and InterAgency Memoranda, at least some key

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minority views were not being ventilated to the fullest

extent, that other views were or could be overlooked, or that important contingencies might not receive full attention.\*

In looking into that hypothesis, it was thought useful to compare production and particularly the review process for estimative papers as it obtained in the former Office of National Estimates (ONE) and as it is now under the auspices of the National Intelligence Officers (NIOs).

Briefly, in O/NE there were several levels of reviews built into the normal production process:

a) Drafts were initially reviewed by the Staff Chief in a regional/functional staff. Some, but not all, regional/functional staffs held rather searching internal reviews of drafts which provided an opportunity for other in-staff views, before forwarding papers to the O/NE front office;

b) Normally when sending the draft paper to O/NE front office, copies were sent to other offices in CIA with an interest in the paper requesting informal comments;

c) The Board of National Estimates considered the draft. Normally, there were a variety of views on a paper, with one or more Board members acting in fact as a

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\*This paper excludes looking at a challenge mechanism in the warning arena. Suffice it to say, all the difficulties associated with challenge, but particularly that of timing, are even more intense in a situation of crisis and very severe time constraints.

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probe and give other the outside paper. In these sessions, representatives from other CIA offices were included, and their views were heard;

d) Next, representatives of the USIB agencies met; in addition, representatives of the various CIA offices of interest also attended these sessions as back-benchers;

e) USIB considered the paper.

There were two other devices used by O/NE to offer the opportunity for dissenting views to be ventilated. Staff Memoranda were not infrequently produced by O/NE analysts which, in effect, said, "Yes, most of the Community thinks the situation in Ruritania is progressing along a certain path, but here are some very good reasons why it could go quite another." After consideration by the Board, ONE made a judicious distribution of these memoranda.

Another device was to present key estimates to a prestigious group of consultants at tri-monthly meetings at Princeton. Consultant comments and a lively give-and-take ensued on some papers. Ambassador Komer's comment seems to be a generally-held reaction. "The old O/NE consultants were not very effective" (the knock is not against those particular consultants but rather on the difficulty of bringing outside consultants "up to speed" with respect to

Under the present system, where the NIO subcontracts a paper for drafting to some element of a USIB agency, the levels of review are fewer. For example, if a draft is produced by an analyst in O/CI or DIA's Directorate for Estimates it goes directly to the NIO. To the degree the NIO reshapes it there is a review, and the NIO can, of course, act to challenge all or any portion of the paper. Also, the NIO can establish some kind of ad hoc group to review a paper. Infrequently, as in the case of NIE 11-15-74, a 'Committee of Experts' looks at the draft. Normally, however, after his own review, the NIO would send the draft to the USIB representatives for their consideration (item d. under previous O/NE procedure). In practice, therefore, the levels of review are numerically less than before, and to the extent one NIO can review a paper (vice a panel of senior officers as in O/NE), given time and other pressures, the quality of review may not be as profound as before.

The concept of the "noninstitutional draft," while perhaps healthy for other reasons, also probably inhibits the amount and degree of 'Devil's Advocating' that existed previously. Specifically, if the NIO levies a draft on DIA, and makes it clear that he seeks the drafter's views--not the so-called "DIA pitch"--he will get that drafter's views, if DIA or OCI or whoever is drafter, plays the game.

But if DIA play the game squarely, neither will the NIO  
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get the kind of quality control within DIA that he would  
if DIA were producing a formal paper under its byline.  
The NIO will get the best effort of the drafter, affected  
to some degree by the advice of his colleagues, but he  
will not get a paper which has undergone searching review  
and questioning--DIA will reserve that for the USIB repre-  
sentatives meeting or, in extremis, for the USIB meeting  
itself. Certainly, the draft will not undergo a very close  
review comparable to papers moving through the O/NE  
production process.

Another relevant factor arises as a result of the  
demise of O/NE drafting responsibilities, which might be  
termed the "current intelligence syndrome." Under the  
current arrangement the bulk of all papers prepared under  
NIO auspices must be produced by substantive organizations  
geared in the main, toward producing current intelligence.  
These include: CIA/OCI, State/INR, and DIA/DI (in these  
three organizations are found the bulk of the Community  
analysts capable of producing finished national intelligence  
drafts). CIA/OSR and CIA/OER are to a somewhat lesser extent  
also much concerned with production for current publications.  
Only DIA/DE lacks current intelligence responsibilities  
among the several organizations on which the NIO must draw  
for drafting support.

heavily on current intelligence analysts to also prepare estimative and longer-range judgments, at least in the sense of reducing the opportunities for other views to impact on current wisdom. This problem, i.e., the weight of the current intelligence apparatus, was adverted to in a memorandum prepared recently by a senior NIC analyst. She was considering the warning function specifically, but her point may have a wider validity.

" . . . . The fact is that the current intelligence structure in each agency--with such assistance as it may require from other specialists such as order of battle analysts, economists or scientific experts--virtually has a monopoly on the daily and weekly intelligence production effort which flows to the intelligence chiefs, policy officials, military commanders, and the White House. Each day, the agency and often the Community position is established on critical current issues as they are set forth in the daily publications and briefings . . . . Not surprisingly, once these items have been disseminated, there is the strongest resistance in every agency to the dissemination of any differing interpretation, whether produced by warning analysts or anyone else. . . . . "

The question can be reasonably asked whether the current intelligence analyst is the best person to make the longer-range assessment, but even if he is, the larger problem may be that longer-range estimative and assessment papers may be (perhaps unconsciously) reflecting current intelligence wisdom. This vulnerability is enhanced by

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... levels of questioning having been reduced (the point being made is that levels of review, if properly handled, offer opportunities for adversary views to be exposed, not merely that levels of review are useful, per se). One NIO pointed out that "while under the NIO system schematically the opportunities (for review) had been reduced, "that was not really the case." He pointed out that on CIA drafts he conducted an "in-house CIA review" prior to issuing the paper for the USIB representatives meeting. However, he also noted that this was not done in all cases by any means.

Hence, on the grounds not only of the original suggestion by D/DCI/IC, but because several review levels had been eliminated with the demise of O/NE, plus the possibility that current intelligence views might be so dominant in production that the content of longer-range papers might be affected, we decided to explore the working milieu in which an institutionalized challenge mechanism of some sort would have to function.

## II. VIEWS ON THE WORKING MILIEU FOR A CHALLENGE MECHANISM

The concept of institutionalizing a challenge mechanism aroused considerable skepticism and doubt as to its effectiveness and utility from nearly all those with whom it was discussed, both current and former practitioners.

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... should be noted that this pessimism appears to be rooted in experience and practical problems that face substantive intelligence producers and managers. There is no reason to believe that it is simply blind opposition, although practical bureaucratic considerations have some impact.

Before examining some of the reasons for doubt over institutionalizing dissent described by those reached in the survey, an important point must be made. That is, all believe very much in dissent, adversary procedures, devil's advocacy and the like, as a necessary and integral part of the process of producing good intelligence. But virtually all also are substantially in accord with the view of a former DDI who puts it this way, " . . . dissenting views can most effectively be dealt with at the working level of review, indeed as early as possible in the production process." A former Assistant Deputy of O/NE contends, "A kind of Devil's Advocate should be part of the process in working up a paper through the working substantive levels . . . it is all part of the 'tightening process' in producing any paper." A current manager says, "the way to achieve this (introducing alternatives to main conclusions) is to get these new attitudes inculcated in all the producing divisions so that various and differing views are surfaced normally through the regular production mechanism."



Thus, the strong inclination is to insist that different judgments can best be threshed out by the analysts and producing offices, rather than by another entity or group organized and tasked specifically to prepare opposing views. This means that at each step along the way, drafters, branch and division chiefs, other offices, and colleagues in other agencies should continually question judgments. Clearly, the producers feel that, as professionals, taking account of differing views and contingencies is simply part and parcel of producing rounded, substantive papers. And normally this is sufficient--as the AD/DCI/NIO put it, "the Intelligence Community is right most of the time."

Other practical reasons were advanced against institutionalizing a challenge mechanism, and they are set out below.

1) New Procedures. Under the new procedures now in effect, a very considerable effort is made to build dissenting views into the text, and this goes some distance to meet the problem. Interestingly, both a former DDI and Ambassador Komer regard this as a cosmetic touch (though both oppose institutionalizing the challenge mechanism);

2) Types of Papers. The AD/DCI/NIO stresses that a number of papers, such as the enormously complex and detailed NIE 11-3/8-74, "do not lend themselves to

be selected out for special treatment. But it would be very difficult to challenge the estimate as a whole. Other papers where there is a deficiency of information or the information is ambiguous, could be challenged much easier.

3) DCI Responsibility. The AD/DCI/NIO makes the point that the DCI is charged with presenting an estimative judgment to the President of the most likely developments in given situations. In this connection, he believes that having laid out our best judgment (with suitable space for dissent in the text), it would be "terribly confusing" to readers to find another view set out at annex (as suggested in paragraph 4, TAB A). An NIO asked, "What can you do after the Devil's Advocate cites another position-- simply ask the policymaker to worry about it?," "even though we have no basis for conceding" that the DA assessment is indeed the correct one. Still another NIO: the "Devil's Advocate would quickly run out of steam with his analytical colleagues" since "all analysts work from the same jam pot of evidence the DA doesn't have anything (other than his opinion) to impress his analytical colleagues."

4) Deadlines. The point is made that not infrequently important papers must be prepared for the NSC on very tight deadlines. One manager says, "When you

have 48 hours to draft, hone, and print a paper for the NSC, Approved For Release 2004/05/13 : CIA-RDP91M00696R000500150005-1 to attack your paper--you have to use every possible minute to get the paper produced."

The concept of a Devil's Advocate is also criticized on grounds of artificiality. A former Assistant Deputy of O/NE claims that in his experience the "DA role drives an individual to take increasingly extreme positions, partly because he and everyone else knows that he is role-playing" and this contributes to an essentially artificial situation. A former DDI believes that, while a DA should not be institutionalized, the "philosophy of a DA should be established so that it permeates the working levels of intelligence production." A current manager is seeking to make progress in this direction by encouraging his analysts "if necessary to manufacture other alternatives to their main conclusions." But he too believes this is best accomplished by pushing this approach through the regular production mechanisms.

Interestingly, this manager thinks the culture in which the analyst works makes familiarity and ease in which differing views are surfaced hard to come by. He put it this way: An analyst is flooded with information from many sources and then literally urged to make judgments and come to conclusions. Having done that he is forced to defend those judgments up the line. Once he gets his views set, and

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difficult to get the analyst to accept other differing views.

Another knotty problem involves the best timing in using a challenge mechanism for best results. Some believe a DA could be useful before a paper is written, say in an "oral contributions" meeting. Others contend that the service would be chiefly useful once a draft is prepared (this seems to make the most sense if the timing is suitable). Still others would apply the challenge mechanism concurrently with the paper (perhaps as an annex as mentioned in the memorandum at TAB A) or once a paper is produced. A Departmental Special Assistant for National Security suggests that the option to levy a Devil's Advocate study on any given paper constitutes part of the pre-USIB briefing process for the DCI. The Special Assistant believes the DCI is uniquely situated to determine whether a challenge to a paper should be instituted. But views are mixed; Ambassador Komer believes this would be too late to be helpful.

Behind all of the various doubts raised about the effectiveness of a challenge mechanism of any kind, is the very touchy problem of the controversy that is nearly certain to envelop any such body. The retired professionals make no bones about this as a fundamental consideration. One commented that, whoever runs the NIOs would seek to "do in"

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this group. A former DDT said such a group would quickly become highly controversial" and even a "high-powered" review board "probably can't be located in the bureaucracy." Another thought it "might be done once," as George Ball did on Vietnam in the State Department, but would not work in general.

Understandably, perhaps to avoid appearing negative, current managers did not volunteer comments on this point. One NIO who opines that he "likes the idea of a DA in certain instances," still believes it should not be institutionalized "in the usual sense." He believes "that if it were localized in, say, the Office of Political Research of CIA, or on the IC Staff, the people doing the job would quickly wear out their welcome; moreover, they would also tire of constantly acting as scolds to the Community, a very unrewarding function." The further point is made that "hostility brought down on these offices" through the challenge function would make it harder for them to carry out their other missions.

While this consideration might be termed a mere "bureaucratic problem," in the sense of organizational positioning, in essence it reaches far beyond that. It touches the matter of the size of an organization conducting the challenge (on this more later) and the crucial consideration of acceptability within the Community. An NIO said, "anyone acting as a Devil's Advocate would have to have the proper credentials as a knowledgeable individual in whatever area was under discussion."

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A manager claims that "if set apart from the regular working levels, the Devil's Advocate would have to have some of the attributes of a god," and wondered who could really meet the standards. Even with highly suitable credentials all who chose to comment agreed that controversy would be endemic to the challenge mechanism.

While the credentials of the "challengers" was cited as a critical factor, skepticism was still expressed about the chances that even a "high-powered" review group could be effective. In part, this concerns the comments on page 10, "What should policymakers do? - worry?" It also relates to the difficulty in overturning the views of a large bureaucracy, with officers steeped in the detail of the daily traffic by a small group.

The NIC staffer writes (after commenting on the people and resources of the current intelligence shops), "There is simply no way that a small group of indications specialists (read Devil's Advocates) can compete or really get an equal hearing when they may be in disagreement." She also acknowledges, "After all, the area specialists are not often very wrong and usually are able to offer impressive numbers of facts and persuasive arguments for their conclusions. Day in and day out, the odds are that the area specialists will be right" and "no group of this type (warning but equally

applicable to challenge) can hope to duplicate the research  
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of the current intelligence shops worldwide and keep a knowledgeable watch on every potential adverse development." Ambassador Komer is more blunt: the people who follow the day-to-day traffic can "kill" any such review group, overwhelm it with data. And a former DDI is equally clear, "A body or small group set off from the working level analysts would be overwhelmed by the amount of facts and details that those working on a subject daily are able to bring to bear to support their case." And there is grave doubt expressed by most of the retired professionals that external consultants would have sufficient familiarity with the world scene to be an effective counter.

In a related view touching on the utility of a challenge mechanism, a former senior intelligence official sees some danger in the production of a dissenting view following an NIE. For example, after a Community view has been hammered out, a dissenting paper (apart from dissents registered in the estimate itself) would offer those pushing a "worst case" view a new opportunity to "merchandise their views to policymakers." The D/DCI/NIO sees this as "confusing" policymakers. An NIO thought "it would be a mistake to publish any sort of Devil's Advocate paper."

In considering the foregoing, an observer must conclude there are vastly different perceptions at work with respect

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to the "challenge mechanism." One is that held by the former D/DCI/IC, who authored the paper at TAB A. For example, he views his actions over the years in repeatedly and consistently sounding a warning of potential Sino-Soviet warfare as a positive service to the policymaker. No matter that the judgment did not prove out (or at least has not in the period 1967-74).

Others charged with providing estimative papers to the policymakers focus on the need essentially to provide correct judgments (with suitable dissents and uncertainty made clear to the President and policymakers generally). These folk see the emphasizing of the minority view as a confusing element, if not an outright disservice to the policymaker. They consistently came back to the point--in the words of an NIO, "But the judgment on the Sino-Soviet struggle was flatly wrong." Much thus depends upon your point of view: Should the DA sound the tocsin or is the game to estimate correctly (with due consideration for uncertainty).

Perhaps a way out is suggested by a former O/NE official. He opines: "An estimate or substantive paper should come down hard, as hard as the evidence permits, on a judgment, and it should be as pointed and precise as possible. But in those instances where the outcome on the other side of the majority position would be very serious to US interests, then a "worst case analysis" should be undertaken. A kind of



This would be a very thorough study of the implications of being wrong." But he views this as very different from, and much more important than, an institutionalized challenge mechanism. A former DDI lends some support to this approach. He believes that if the concept of a challenge mechanism has any merit, "it is probably in those cases where the minority view occurrence, should it take place, would have very serious consequences for the U.S." In these circumstances, he thinks the DCI might request that a post-NIE paper might be produced, though it should be a very closely held document.

It is apparent that among those polled, few envisage the successful institutionalization of a challenge mechanism. It is equally clear that there would be rather considerable bureaucratic turbulence and resistance (possibly much of it subconscious) from other producing elements should a review entity be devised.

### III. POSSIBLE CHALLENGE MECHANISMS - SIZE AND LOCATION

Nevertheless, the DCI must decide whether a challenge mechanism would suit him and his operating style. In part, it would depend upon his confidence in his producers. Is he confident that the working procedures in fact permit, indeed encourage, the surfacing of divergent judgments?

Is the bureaucratic resistance to a challenge mechanism

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that really has some clout worthwhile if it can also provide the DCI additional assurance that the best intelligence is being produced?

If it is decided by Higher Authority that some sort of challenge mechanism is desired, questions of organization and location, touched on previously, become immediate. Below are sketched out some of the options in very general terms. While we have introduced some of the pros and cons, and qualifiers, with respect to these options, the following is not meant as an exhaustive treatment. Our main conclusion is, perhaps predictably, in the spectrum of possibilities, the ones least likely to have a real impact on the substantive community are generally the ones most acceptable to the producing managers, that is, they are disposed to accept them and work with them.

Considerations of size, location, and rank (of the office or individual) are closely intermingled. Possible challenge mechanisms include:

--- A single, very impressive individual, wordily, perhaps a scholar or well thought of retired Ambassador or public figure. He would be situated in the DCI's immediate office and would enjoy very close working relations with him. Another proposal would envisage a slightly less formidable figure

Ambassador Komer and others think that it would not be feasible to place the function in the office of the D/DCI/NIO - Komer feels the individual would have to have at least equivalent rank with D/DCI/NIO.

--- Three or four very impressive and knowledgeable figures--functioning as a Senior Review Board and attached to the O/DCI and with very close, continuing access to him.

--- An ad hoc "challenger." A different individual on each major paper perhaps selected by the NIO from anywhere in the Intelligence Community. One suggestion is that this individual should be a high ranking substantive officer, e.g., D/OCI or the Deputy DDI, pulled off his normal duties for a period of 2 - 3 weeks to immerse himself in the subject. Clearly this latter proposal carries with it severe practical difficulties (as do all the rest).

--- The NIO could conduct his own challenge though it is acknowledged to be difficult to, in effect, act as a DA against one's own paper.

--- The Program Review Division (PRD) of the IC Staff. This element already has a product review mission and has some substantive capability. (But see earlier comments, page 13, which indicate this could hurt other IC Staff functions.)

Contains much of the former O/NE Staff - good analytic and critical staff. (Also see comments, page 13.)

--- A new office--equal in size to the NIO structure.

Ambassador Komer believes that to offset the other large analytic staffs, "any adversary group must be of the same size as the NIO set-up, including clerical assistance." He goes on to say: "If it were not of adequate size, the DA would be working on Japan while some other crisis was emerging. The DA would miss the new crisis and criticism would fall on him. Everyone would say, 'We have a DA, why wasn't he watching out for this crisis?'"

Also, "any review group would need to have access to the vast amount of intelligence material available to the analysts," and this translates to a fairly large staff even to review only selected papers and issues. Comments on pages 14<sup>-15</sup> are pertinent. Probably located in the O/DCI.

--- Ad hoc consultants on given subjects. They would require access to all the intelligence and be asked to prepare the challenge case. This would require a fairly leisurely production schedule, unless the

challenge were undertaken after a subpoena was issued. These consultants could be responsible to the O/DCI, NIO, IC Staff or elsewhere.

--- Panels of two to three consultants--experts in given areas, available to come to Washington on call, "almost as for jury duty." The author of this proposal admits to grave difficulties in achieving this kind of consultant constancy and response. Those who experienced the old O/NE consultant arrangement are skeptical over consultant arrangements generally. A former DDI, still in the Washington area and immersed in a think-tank milieu does not feel he can stay current and doubts that others from academe can either. Organizational link as above.

Another suggestion which is generally acceptable to all would be the selection of a topic or two with an experimental DA. This has been done three times already, in one form or another. As noted in the case described in TAB A, it was judged to have "helped to stimulate discussion." A Devil's Advocate view was also propounded in connection with NIAM 11-9-74, Soviet Detente Policy. The NIO concerned thought the presentation by a knowledgeable PRD/IC Staff analyst had caused him "to look at a particular proposition more closely, though it did not much change the NIAM."

Intelligence Community's ability to monitor Soviet compliance with the SAL on offensive missiles, and lobbied for analysts to join him in a DA role, as a full-time occupation.

Analysts at the meeting "objected that such a group would soon be discredited as a bunch of cranks."

It is open to question whether additional experimentation would make the utility of a challenge mechanism more or less clear cut. In any event, many of the problems involved in the institutionalization of challenge would simply be delayed until it became clear whether the DCI was going to take that vital step.

Finally, whatever form the challenge mechanism took, the question of timing--when it went into action--would still be a very difficult one. It should probably evolve after a number of experiments. One point seems clear, that the challenge mechanism should probably be employed sparingly and only on very major issues.

In conclusion, as one of the pros said, the institution of a DA is not so important as the philosophy in producing substantive intelligence. Or as one S. Kent said many years ago (in reflecting on the substantive problem in strategic intelligence):

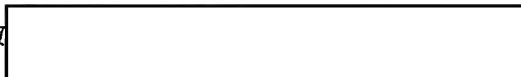
"The only answer lies in picking a man who already knows a good deal about the substantive area

in which he supposed to ask question, and  
who has an inquiry. Approved For Release 2004/05/13 : CIA-RDP91M00696R000500150005-1  
that he has ready access to every scrap of new  
incoming evidence on it, access to everyone who  
knows about it, and freedom from other burdensome  
duties."

\* \* \* \* \*

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DRAFT



INDIVIDUALS CONTACTED DURING THE STUDY

RETIRED PROFESSIONALS

*Ray Cline*

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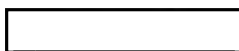


CURRENT MANAGERS

*George Carver*

*Hank Knoche*

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NIOS

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MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: The Devil's Advocate

1. On 13 December, as a result of a discussion I had with the D/DCI/NIO, one of my staff served as Devil's Advocate (DA) during a Community-wide gathering of analysts on China. The DA argued that the likelihood of Soviet-initiated hostilities against China is greater than the Intelligence Community currently estimates. This is in line with the notion of establishing more effective challenge mechanisms in the production of intelligence.

2. The DA argued along these lines:

--The Intelligence Community has a tendency to downplay the likelihood of hostilities--e.g., prior to the most recent Arab-Israeli war.

--The Soviets probably seriously considered initiating hostilities in 1969, and having done so once they might do so again, and decide differently.

--The Intelligence Community's predictions since 1969 that the Soviets have virtually completed their buildup near the Chinese border have been erroneous and misleading. Part of the problem is that the Community tends to look at evidence in a preconceived way. For instance, a new Soviet corps headquarters identified in January 1973 is viewed as the tail end of a buildup rather than as the beginning of a new buildup--as a corps headquarters proved to be in November 1965; and a new division, overlooked when the September 1973 NIE 11-13-73 was completed, is counted only reluctantly (it is said that the division equipment may only be there for storage purposes).

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--The Intelligence Community tends to equate the Soviet military planners' views of the feasibility of a nuclear exchange with China with a U.S. military planner's view of the U.S. -Soviet nuclear balance, which can be a misleading parallel.

--In Annex C of the September 1973 NIE, it is said that "the Soviets would calculate the chances of a Chinese retaliatory strike as slight" if the Soviets struck first with their nuclear weapons; yet the implications of this judgment are not really applied to the rest of the NIE.

--The Intelligence Community has a preconception that the Soviet leadership makes difficult foreign policy decisions on the basis of a moderate compromise; that is, the way Western cabinets tend to operate. But it may be that when the Soviet leadership postpones decisions for a considerable period, the ultimate decision will be impulsive, incautious, interventionist.

--There are three contingencies which could easily converge and increase the attractiveness to Moscow of military action against China: (1) the Chinese could draw close to, but still lack both an effective tactical nuclear missile capability, and the capability of striking the Soviet heartland with strategic missiles; (2) the departure of Mao or Chou or both could occur soon with one side in subsequent internal power struggle turning to an outside power, the USSR, for help; (3) the Soviets could perceive that the U.S. is less able now to react to a Sino-Soviet war than it has been in the past or will be in the future.

3. The DA believes that presentation of a "coherent" (not his term but that of one of the other participants) case helped to stimulate discussion. The question now is: how can DA roles be institutionalized? One approach would involve the designation, by the NIO in charge of drafting a major paper, of someone who would review previous papers on the subject in order to find loopholes. That is, even if the major judgments in the NIEs

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Remarks:					
<p>Attached for your information are copies of a note Sam Wilson wants to send to the DCI and of my comments thereon, expressed in a note to Sam. The two annexes Sam refers to are rather lengthy and, hence, were not reproduced. They are, of course, available for your inspection should any of you care to peruse them. I would like to discuss this matter a bit at our session on 13 February.</p>					
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